

**HELMER, MARTINS & MORGAN  
Co., L.P.A.**

ATTORNEYS AT LAW

Fourth & Walnut Centre, Suite 1900  
105 East 4th Street  
Cincinnati, Ohio 45202-4008

James B. Helmer, Jr.\*  
Paul B. Martins  
Frederick M. Morgan, Jr.  
Julie Webster Popham\*\*  
Jennifer M. Verkamp  
Robert M. Rice  
Donald G. Stiens, Jr.

Telephone: (513) 421-2400  
Telecopier: (513) 421-7902

Of Counsel:  
Robert Clark Neff, Jr.

\*Also D.C. Bar

\*\*Also KY Bar

December 10, 2003

**Sent via Facsimile**

Neil F. Freud, Esq.  
FREUD, FREEZE & ARNOLD, LPA  
One Dayton Centre  
One South Main Street  
Suite 1800  
Dayton, Ohio 45402-2017

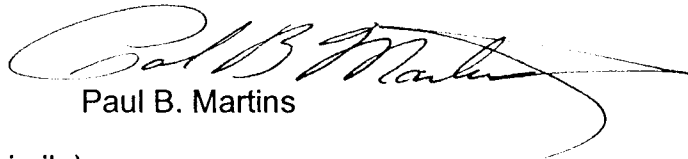
Geri H. Geiler, Esq.  
Julie F. Bissinger, Esq.  
Assistant City Solicitors  
Room 214, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

**Re: Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.,  
Case No. 01-CV-769 (S.D. Ohio)**

Dear Counsel:

On November 3, 2003 Plaintiff served by fax and U.S. mail his Fifth Request for Production of Documents seeking the production of the hooded sweatshirt allegedly removed by Officer Hunter on September 27, 2000. The document request also seeks any associated documentation related to the hooded sweatshirt, including any property receipt, property report and chain of custody documentation. The City's response to Plaintiff's Fifth Request for Production of Documents was due last week, on December 3, 2003. As has been the case with Plaintiff's Second, Third and Fourth Request for Production of Documents, the City has failed to produce any written response to Plaintiff's Fifth Request for Production of Documents, as required by Rule 34(b), Fed. R. Civ. P. Please immediately provide your response and the requested documents. Please also note that all objections are waived because of your failure to timely respond to these document requests. *Id.*; *Bailey v. Container Corp. of America*, 36 Empl. Prac. Dec. ¶ 35,096 (S.D. Ohio 1984) (Porter, S.J.).

Sincerely,



Paul B. Martins

PBM:kmr

cc: Mark T. Tillar, Esq. (via facsimile)  
John J. Helbling, Esq. (via facsimile)  
Donald E. Hardin, Esq. (via facsimile)  
Wilson G. Weisenfelder, Jr., Esq. (via facsimile)  
Dale A. Stalf, Esq. (via facsimile)  
Ravert J. Clark, Esq. (via facsimile)

**EXHIBIT C**